

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

SIMBI KESIYI WABOTE,
Plaintiff and Counter-Defendant,

v.

JACKSON UDE,
Defendant and Counter-Claimant.

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No. 5:21-cv-2214

ORDER

AND NOW, this 21st day of October 2021, upon consideration of the Defendant's motion to dismiss the Amended Complaint in this action, *see* ECF No. 29, the Plaintiff's motion to dismiss and strike affirmative defenses, *see* ECF No. 24, the parties' responses and replies, *see* ECF Nos. 30, 31, 36, 37, 41, 43, and for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Defendant's motion to dismiss, *see* ECF No. 29, is **DENIED**.
2. The Plaintiff's motion, *see* ECF No. 24, is **GRANTED** and the Defendant's counterclaims are dismissed without prejudice.
3. **Within twenty (20) days of the date of this Order**, the Defendant may, consistent with the Opinion, file an amended counterclaim as to his dismissed counterclaims.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge